IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:07cv302

JAMES R. ARNDT; and LINDA)	
ARNDT,)	
)	
Plaintiffs,)	
)	ORDER
Vs.)	
)	
)	
EXTREME MOTORCYCLES; and)	
AMERICAN IRONHORSE)	
MOTORCYCLE COMPANY,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on plaintiffs' Motion for Voluntary Dismissal Without Prejudice (#46). Counsel for plaintiff does not, however, reflect that he consulted with respective counsel for defendants and whether they oppose the relief. See L.Cv.R. 7.1. This requirement of consultation is particularly relevant where, as here, the parties could through mutual agreement effectuate the proposed relief without court intervention. See Fed.R.Civ.P. 41.

ORDER

IT IS, THEREFORE, ORDERED that plaintiffs' Motion for Voluntary

Dismissal Without Prejudice (#46) is denied without prejudice. The Clerk of this

court is instructed to reassign this case to another district judge as the district judge presently assigned has retired.

Signed: June 4, 2010

Dennis L. Howell

United States Magistrate Judge